

Reconsideration and withdrawal of these rejections are respectfully requested based upon the following considerations.

The Present Invention and Its Advantages

The present invention relates to a polyurethane foam. More particularly, the present invention relates to a polyurethane foam, a process for preparing the foam, and to cushioning materials made from the polyurethane foam.

In Examples set forth in the application, (see Tables 1-2 at pages 14-15) it is shown that the inventive foams of Examples 1-9 are excellent in tensile strength, tear strength and compression set, as compared with those obtained in the Comparative Examples. Such advantageous results are achieved based upon the use of a specified polyol component having a specified number-average molecular weight, and the fact that molded articles are heat treated at a specified temperature (see claim 1).

Distinctions over JP-A-7179556

The Examiner asserts that JP '556 discloses the preparation of "polyurethane foams" wherein polyol components inclusive of those claimed are reacted with isocyanates in the presence of catalysts and "blowing agent" and after molding the products are heat treated at elevated temperatures. However, it is asserted that the Examiner currently misunderstands the disclosure of the cited JP

'556 reference. For example, although the Examiner asserts that the JP '556 reference discloses the preparation of polyurethane foams, JP '556 does not disclose or suggest any preparation of a polyurethane foam. Moreover, although the Examiner may also assert that JP '559 discloses a blowing agent, the JP '556 reference does not disclose or suggest a blowing agent.

In this regard, it is noted that the reference's disclosed polyurethane is not a polyurethane foam but is instead a non-expanded polyurethane because a blowing agent is not employed therein.

Accordingly, because the JP '556 reference does not recite all of the disclosed elements of any one of the pending claims 1-10, it follows that it cannot anticipate any of the pending claims under 35 USC § 102(b) and thus, the outstanding 35 USC § 102(b) rejection over the JP '556 reference must be withdrawn.

Distinctions over JP-A-7271263

The Examiner asserts in the Office Action that JP '263 discloses the preparation of "polyurethane foams" wherein polyol components inclusive of those claimed are reacted with isocyanates in the presence of catalysts and "blowing agent" and after molding the products are heat treated at elevated temperatures. In response to such contentions, the following is noted.

It appears that the Examiner misunderstands the JP-263 reference. Although the Examiner asserts in the Office Action that JP '263 discloses the preparation of polyurethane foams, it is submitted that the JP '263 reference does not disclose or suggest the preparation of any polyurethane foams. Moreover, although the Examiner also asserts that the JP '263 reference discloses the inventors' blowing agent, it is noted that the JP '263 reference does not disclose or suggest such a blowing agent.

In this respect, it is noted that the JP '263 reference's disclosed thermoplastic polyurethane elastomer is not a polyurethane foam but is instead a non-expanded elastomer because a blowing agent is not employed therein.

Based on such considerations, it is clear that the cited JP '263 reference is incapable of anticipating the instant invention, since it does not provide for or otherwise disclose a polyurethane foam of the instant invention.

CONCLUSION

Accordingly, based upon the above noted distinctions between the instantly claimed invention and each of the cited Japanese references, it follows that the Examiner's rejections under 35 USC § 102 for anticipation are not sustainable. Further, it is submitted that the present claims are fully patentable under the

provisions of Title 35 of the United States Code, since neither of the cited references provide any motivation which would allow one of ordinary skill in the art to arrive at the present invention as claimed, including all of the advantageous properties that are possessed thereby and disclosed in the specification.

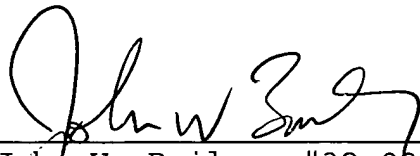
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 
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JWB/end
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